

SPECIAL ORDINANCE NO. 15, 2022

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Common Address of lots to be rezoned:

501 S. 25th St., Terre Haute, Indiana 47803

Parcel No. 84-06-26-133-008.000-002

Rezone From: R-2 Two-Family Residence District

Rezone To: C-2 Community Commerce District

Proposed Use: Business Offices

Name of Owners: Tusk Bros. LLC

Address of Owners: 8525 S. Dearborn St., Cory, IN 47846

Phone Number of Owners: c/o Richard J. Shagley II
812-232-3388

Attorney Representing Owners: Richard J. Shagley II

Address of Attorney: Wright, Shagley & Lowery, P.C.
PO Box 9849, Terre Haute, IN 47808

For Information Contact: ☐ Owner ☒ Attorney

Council Sponsor: Martha Crossen

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

MAY 04 2022

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 15, 2022**

CITY CLERK

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute Indiana."

SECTION I. BE IT ORDIANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

Lots 1, 2, and 3 in Monterey Place Third Sub., a subdivision of the North half of Lots 4 and 5, in John Milner's Subdivision of part of the North West Quarter of Section 26, Township 12 North, Range 9 West, all as shown in the plat dated June 16, 1928 and recorded June 22, 1928 in Plat Book 15, Page 7, records of the Recorder's Office of Vigo County, Indiana.

Parcel No. 84-06-26-133-008.000-002

Commonly known as: 501 S. 25th St., Terre Haute 47803.

Be and the same is hereby established as a C-2Community Commerce District, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member, Martha Crossen
Martha Crossen, Councilperson

Passed in open Council this _____ day of _____, 2022.

Cheryl Loudermilk, President

ATTEST:

Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2022.

Michelle Edwards, City Clerk

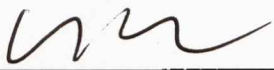
Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2022.

Duke A. Bennett, Mayor

ATTEST:

Michelle Edwards, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.



Richard J. Shagley II

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Jacob B. Wagle, Member of Tusk Bros., LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lots 1, 2, and 3 in Monterey Place Third Sub., a subdivision of the North half of Lots 4 and 5, in John Milner's Subdivision of part of the North West Quarter of Section 26, Township 12 North, Range 9 West, all as shown in the plat dated June 16, 1928 and recorded June 22, 1928 in Plat Book 15, Page 7, records of the Recorder's Office of Vigo County, Indiana.

Parcel No. 84-06-26-133-008.000-002

Commonly known as: 501 S. 25th St., Terre Haute 47803.

Your Petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as R-2 Two Family Residence District.

Your Petitioner intends to use this real estate for business offices. Your Petitioner would request that the real estate described herein shall be zoned as a C-2 Community Commerce District.

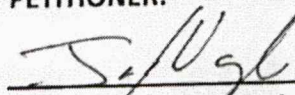
Your Petitioner would allege that the C-2 Community Commerce District would not alter the general characteristics of this neighborhood since the neighborhood is a mixed-use neighborhood and there are several commercial uses in this area.

Your Petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your Petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-2 Community Commerce District of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, this petition has been duly executed this 2 day of May, 2022.

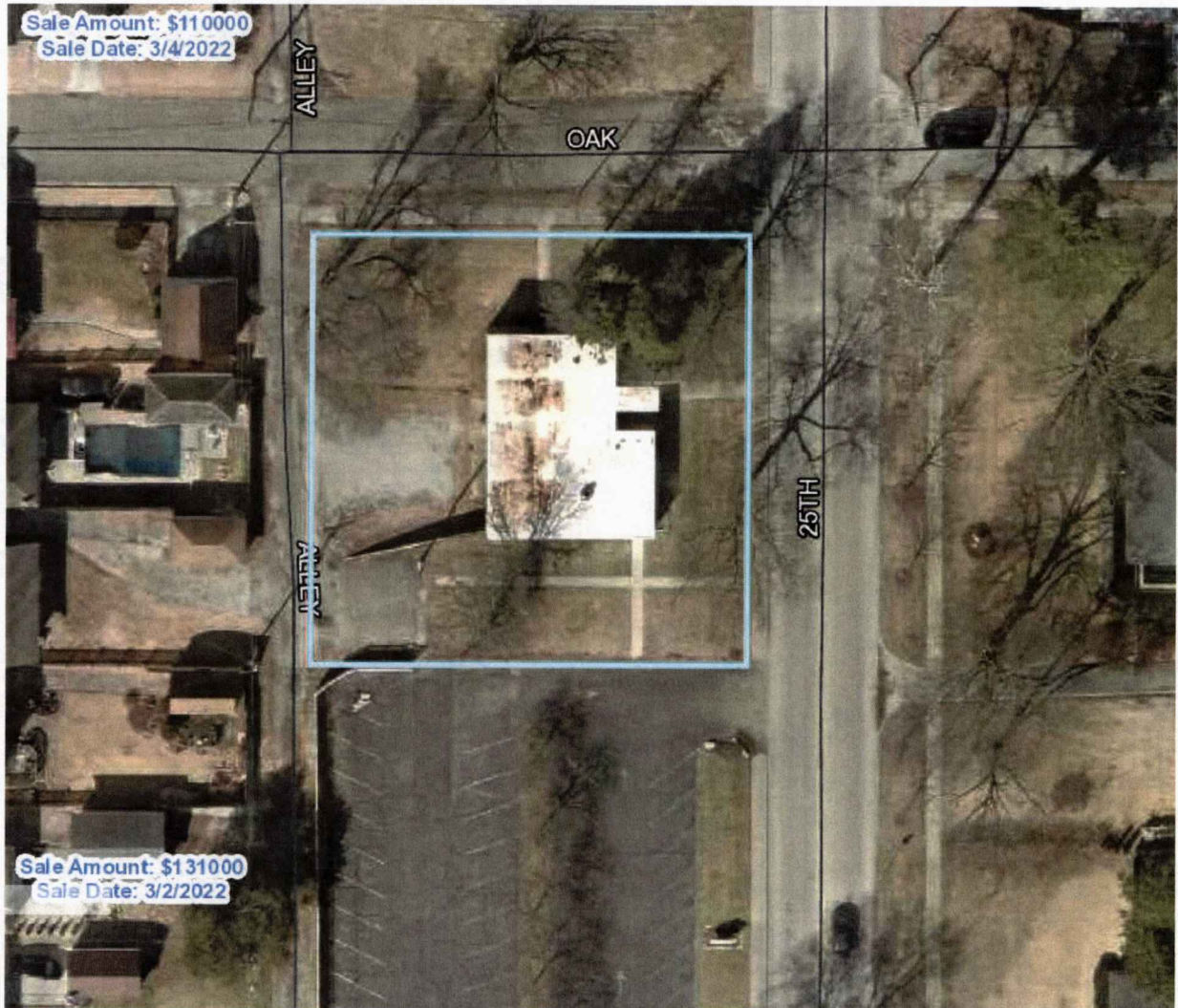
PETITIONER:



Jacob B. Wagle, Member of Tusk
Bros., LLC

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

SITE PLAN
SPECIAL ORDINANCE NO. 15, 2022



8525 S. Dearborn St., Cory, IN 47846
Parcel No. 84-06-26-133-008.000-002



R-2 Two-Family Residence District
to
C-2 Community Commerce District

Proposed Use: Business Offices

STATE OF INDIANA) SS:
COUNTY OF _____)

AFFIDAVIT

Comes now, Jacob B. Wagle, Member of Tusk Bros., LLC, being duly sworn upon his oath, deposes and says:

1. That Tusk Bros., LLC is the owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lots 1, 2, and 3 in Monterey Place Third Sub., a subdivision of the North half of Lots 4 and 5, in John Milner's Subdivision of part of the North West Quarter of Section 26, Township 12 North, Range 9 West, all as shown in the plat dated June 16, 1928 and recorded June 22, 1928 in Plat Book 15, Page 7, records of the Recorder's Office of Vigo County, Indiana.

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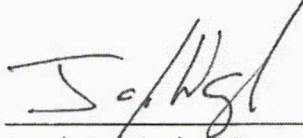
Commonly known as: 501 S. 25th St., Terre Haute 47803.

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiants make this Affidavit for the sole purpose of affirming that Tusk Bros., LLC is the owner of record of the above-described real estate, for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by Tusk Bros., LLC.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 2 day of May, 2022.



Jacob B. Wagle, Member of Tusk
Bros., LLC

STATE OF INDIANA)
) SS:
COUNTY OF Madison)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County
and State, this 2 day of May, 2022.




Kristie Rich, Notary Public

My Commission expires: 8/14/24

My County of Residence: Madison

This instrument prepared by Richard J. Shagley II, Attorney at Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

ENTERED FOR TAXATION
Subject to final acceptance for Transfer

2022005006 CORP WD \$25.00
04/21/2022 09:38:01A 3 PGS
Diana Winsted-Smith
VIGO County Recorder IN
Recorded as Presented


APR 21 2022


VIGO COUNTY AUDITOR

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, That Crossroads of America Council Boy Scouts of America Inc f/k/a Wabash Valley Council Boy Scouts of America, Inc., a corporation organized and existing under the laws of the State of Indiana, (hereinafter called GRANTOR), for and in consideration of the payment to it of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby **CONVEYS AND WARRANTS** to Tusk Bros. LLC, a limited liability company organized and existing under the laws of the State of Indiana, hereinafter referred to as Grantee, the following described real estate in Vigo County, Indiana, to-wit:

Lots 1, 2, and 3 in Monterey Place Third Sub., a subdivision of the North half of Lots 4 and 5, in John Milner's Subdivision of part of the North West Quarter of Section 26, Township 12 North, Range 9 West, all as shown in the plat dated June 16, 1928 and recorded June 22, 1928 in Plat Book 15, Page 7, records of the Recorder's Office of Vigo County, Indiana.

Parcel No. 84-06-26-133-008.000-002

Subject to any rights-of-way, easements, leases, restrictions, reservations, covenants, rights of persons in possession, outstanding mineral interests, land use restrictions imposed by governmental authorities, and all other matters of record, if any there be.

Subject to real estate taxes prorated to the date hereof.

Grantor further states that Crossroads of America Council Boy Scouts of America Inc is one and the same as Wabash Valley Council Boy Scouts of America Inc., Grantee in that deed dated December 12, 1958 and recorded April 13, 1959 at Deed Record 315, page 480, and that subsequent thereto they merged with Crossroads of America Council Boy Scouts of America Inc on or about February 20, 2002 and is now known as Crossroads of America Council Boy Scouts of America Inc.

As a further consideration of the payment of the above sum, the persons executing this deed on behalf of Grantor represent and certify, for the purpose of inducing Grantee(s) to accept this Warranty Deed, that they are the duly elected officers of Grantor and have been fully empowered by the By-Laws of Grantor and proper resolution of the Board of Directors of Grantor to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate conveyed by this instrument and that all necessary action for the making of such conveyance has been taken; that the real estate conveyed by this instrument is conveyed in the usual and regular course of business as such term is defined in the Indiana Business Corporation Law, as amended.

IN WITNESS WHEREOF, Crossroads of America Council Boy Scouts of America Inc f/k/a Wabash Valley Council Boy Scouts of America, Inc. has caused this deed to be executed in its name and on its behalf by its duly authorized officers, this 20th day of April, 2022.

Crossroads of America Council Boy Scouts of America

By *Jerome T. Stoecker*
Jerome T. Stoecker, Vice President of
(Printed Name and Title) Operations

ATTEST:

By _____

(Printed Name and Title)

STATE OF IN)
COUNTY OF Vigo) SS:

I, Meagan R. Butrum, a Notary Public in and for said county and state, do hereby certify that ~~Vice~~ Jerome T. Stoecker and _____, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such officers, and to be such officers, appeared before me this day in person and, being first duly sworn, said and acknowledged that they are such officers and that they signed and delivered said deed as a free and voluntary act of said Crossroads of America Council Boy Scouts of America Inc f/k/a Wabash Valley Council Boy Scouts of America, Inc. and as their own free and voluntary act as such Vice President and _____, by authority of the Board of Directors of said corporation for the use and purposes therein set forth.

Given under my hand and notarial seal this 20th day of April, 2022.



My Commission Expires:
3-19-2026

Meagan R. Butrum
Notary Public
Meagan R. Butrum
(Printed Name)

My County of Residence:
Vigo

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Audrey B. Jones
Signature
Audrey B. Jones
Printed Name

abstract. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided and makes no representation regarding the status or quality of the title hereby conveyed by Grantor's execution and Grantee's acceptance of the instrument.

GRANTEE'S ADDRESS: 8525 S. Dearborn St, Cory, Indiana 47846

MAIL TAX STATEMENTS TO: Same

Receipt

The following was paid to the City of Terre Haute, Controller's Office.

Date: 5/4/2022

Name: TUSK BROS, LLC

Reason: Rezoning - notice of filing \$25
Rezoning - petition \$20

\$45

Cash: _____

Check: \$45

Credit: _____

Total: \$45-

TERRE HAUTE, IN
PAID
MAY - 4 2022
CONTROLLER

Received By: Gunn Wtz